

Kindly replace claims 37-43 by the following claims.

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37. (amended) A cosmetic formulation in the form of a gel having incorporated therein a nanodispersion as defined in claim 32 comprising a lipophilic cosmetic active agent.

38. (amended) A cosmetic formulation in the form of a cream, lotion or milk having incorporated therein a nanodispersion as defined in claim 32 comprising a lipophilic cosmetic active agent.

39. (amended) A cosmetic formulation in the form of a stick having incorporated therein a nanodispersion as defined in claim 32 comprising a lipophilic cosmetic active agent.

40. (amended) A cosmetic formulation in the form of a spray or aerosol having incorporated therein a nanodispersion as defined in claim 32 comprising a lipophilic cosmetic active agent.

41. (amended) A cosmetic formulation in the form of a foam having incorporated therein a nanodispersion as defined in claim 32 comprising a lipophilic cosmetic active agent.

42. (amended) A cosmetic formulation in the form of a paste having incorporated therein a nanodispersion as defined in claim 32 comprising a lipophilic cosmetic active agent.

43. (amended) A cosmetic formulation in the form of a powder, lacquer, pellet or cosmetic make-up having incorporated therein a nanodispersion as defined in claim 32 comprising a lipophilic cosmetic active agent in which the nanodispersion is present in dehydrated form.

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#### STATUS OF THE CLAIMS

Claims 32-43 were pending in this application.

Claims 32-43 are rejected under 35 U.S.C. § 112, second paragraph.

Claims 32-43 are rejected under 35 U.S.C. § 102(b) as being anticipated by EP-A 349 150